

**BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH**  
**MINUTES OF PUBLIC MEETING**  
**COMMISSION CHAMBERS, ROOM 1400**  
**OF THE UTAH COUNTY ADMINISTRATION BUILDING**  
**April 1, 2014 - 9:00 A.M.**

**PRESENT:** COMMISSIONER GARY J. ANDERSON, CHAIR  
COMMISSIONER LARRY A. ELLERTSON, VICE-CHAIR  
COMMISSIONER DOUG WITNEY, CHAIR

**ALSO PRESENT:**

Jeffrey R. Buhman, Utah County Attorney  
E. Kent Sundberg, Civil Division Chief Attorney  
David Shawcroft, Utah County Deputy Attorney  
Robert J. Moore, Utah County Deputy Attorney  
Paul Jones, Utah County Deputy Attorney  
Bryan E. Thompson, Utah County Clerk/Auditor  
Julie Rollins, Utah County Purchasing Agent  
Jim Stevens, Utah County Assessor's Office  
Bryce Armstrong, Community Development  
Peggy Kelsey, Community Development  
Brandon Larsen, Community Development  
Dr. Joseph K. Miner, Health Department Exec. Director  
Steve Mickelson, Utah County Health Department  
Pat Bird, Drug & Alcohol Prevention & Treatment  
Lana Jensen, Utah County Personnel Director  
Jane Ivie, Personnel Office  
Richard Nielson, Utah County Public Works Director

Jeff Smith, Utah County Recorder  
Andrea Allen, Utah County Recorder's Office  
Jack Snow, Utah County Fire Marshal  
Tim Anderson, Utah County Sheriff's Office  
Darin Durfey, Utah County Sheriff's Office  
Dalene Higgins, Utah County Sheriff's Office  
Alan Lisonbee, Utah County Sheriff's Office  
Jerry Monson, Utah County Sheriff's Office  
Kevin Watson, Utah County Sheriff's Office  
Gary Ratcliffe, Utah County Surveyor  
Cary McConnell, Utah County Treasurer's Office  
Larry Ballard, Utah County Resident  
Heather Jackson, Utah County Resident  
Melvin Luthy, Provo Resident  
Robert J. Stevens, Provo Resident  
Mike Stansfield, Fairways Media  
Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Anderson called the meeting to order at 9:03 A.M. and welcomed those present. The following matters were discussed:

**PRAYER/READING/THOUGHT:** Larry A. Ellertson, Utah County Commissioner

**PLEDGE OF ALLEGIANCE:** Doug Witney, Utah County Commissioner

**CONSENT AGENDA**

1. **TAKE ACTION TO REFER TO THE UTAH COUNTY PLANNING COMMISSION AND THE UTAH COUNTY AGRICULTURAL ADVISORY BOARD THE SOUTH SHORE FARMS, LC AGRICULTURE PROTECTION APPLICATION SUBMITTED BY ROBERT W. MCMULLIN FOR A TOTAL OF 878.713 ACRES LOCATED IN SECTIONS 9, 10, 15, 16 & 17, TOWNSHIP 8 SOUTH, RANGE 1 EAST, SLB&M, NORTH WEST SIDE OF WEST MOUNTAIN AREA, UTAH COUNTY**

The Board requested that Consent Agenda Item No. 1 be moved to the Regular Agenda for discussion.  
PULLED TO REGULAR

2. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE JACKSON/TRETHEWAY REAL ESTATE PURCHASE AGREEMENT FOR PARCELS 24:003:0050 & 24:003:0044 IN THE AMOUNT OF \$248,000.00**
3. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60304, DATED MARCH 27, 2014**

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - April 1, 2014

Page 2

4. **ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE**
5. **APPROVE REDUCING THE PENALTY IN THE AMOUNTS LISTED FOR THE ATTACHED PERSONAL PROPERTY ACCOUNTS, HAVING BEEN IDENTIFIED AS MEETING THE QUALIFICATIONS UNDER ORDINANCE NO. 2010-4 AND RESOLUTION NO. 2011-64 OF THE UTAH COUNTY CODE**
6. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE SUPPLEMENTAL LAW ENFORCEMENT CONTRACT WITH EPOCH FILMS LLC TO HAVE TWO DEPUTIES SECURE AND CONDUCT TRAFFIC CONTROL ON MILE MARKER 7 AND STATE ROAD ON MARCH 26, 2014**
7. **ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE CHILDREN'S JUSTICE CENTER AND THE UTAH COUNTY HEALTH DEPARTMENT**
8. **APPROVE THE MINUTES OF THE MARCH 25, 2014 COMMISSION MEETING**

The Board requested that Consent Agenda Item No. 8 be continued to the next meeting of the Board.  
CONTINUED TO APRIL 8, 2014

9. **RATIFICATION OF WARRANT REGISTER SUMMARY**

Register No. 358	March 21, 2014	Check Nos. 192428-192445	Total: \$	11,235.16
Register No. 359	March 24, 2014	Purchasing Cards 1695-1731	Total: \$	14,501.04
Register No. 360	March 24, 2014	Check Nos. 192446-192463	Total: \$	28,297.96
Register No. 361	March 24, 2014	Purchasing Cards 1732-1733	Total: \$	1,655.31
Register No. 362	March 24, 2014	Check Nos. 192464-192477	Total: \$	63,573.83
Register No. 363	March 25, 2014	Direct Deposit:19097-19098	Total: \$	26,673.00
Register No. 364	March 25, 2014	Check Nos. 192478-192484	Total: \$	12,080.00
Register No. 365	March 26, 2014	Purchasing Cards 1734-1734	Total: \$	191.27
Register No. 366	March 26, 2014	Direct Deposit:19099-19100	Total: \$	745,448.75
Register No. 367	March 26, 2014	Check Nos. 192485-192511	Total: \$	1,318,881.02
Register No. 368	March 26, 2014	Direct Deposit:19101-19112	Total: \$	4,122.07
Register No. 369	March 26, 2014	Check Nos. 192512-192525	Total: \$	15,443.61
Register No. 370	March 27, 2014	Direct Deposit:19113-19113	Total: \$	50.00
Register No. 371	March 27, 2014	Purchasing Cards 1735-1735	Total: \$	193.24
Register No. 372	March 27, 2014	Purchasing Cards 1736-1739	Total: \$	474.28
Register No. 373	March 27, 2014	Bond Wires:255-261	Total: \$	16,406.81
Register No. 374	March 27, 2014	Check Nos. 192526-192526	Total: \$	24,438.00
Register No. 375	March 27, 2014	Check Nos. 192527-192574	Total: \$	418,689.71
Register No. 376	March 27, 2014	Bond Wires:262-263	Total: \$	792.20
Register No. 377	March 27, 2014	Purchasing Cards 1740-1740	Total: \$	100.76
Register No. 378	March 27, 2014	Check Nos. 192575-192585	Total: \$	8,821.42
Register No. 379	March 28, 2014	Check Nos. 192586-192604	Total: \$	73,664.26
			<b>Total:</b>	<b>\$2,785,733.70</b>

Consent Agenda Item Nos. 2 through 7, and 9, were approved as written. Commissioner Anderson recommended the following Regular Agenda items be moved to Consent:

3. **APPROVE EMPLOYEE DONATIONS OF LEAVE TIME WITHIN THE UTAH COUNTY HEALTH DEPARTMENT**

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - April 1, 2014

Page 3

4. **APPROVE EMPLOYEE DONATION OF LEAVE TIME WITHIN THE UTAH COUNTY SHERIFF'S OFFICE**
9. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE PESTICIDE USE PROPOSAL AGREEMENT WITH THE UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION FOR MOSQUITO SPRAYING TO CONTROL WEST NILE VIRUS**
10. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A CASH BOND AGREEMENT IN THE AMOUNT OF \$1,575.00 FOR THE L CARSON SUBDIVISION** *(Continued from the March 18 and March 25, 2014 Commission meetings)*

The Board requested that Regular Agenda Item No. 10 be stricken from the calendar.

STRICKEN

12. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE UTAH DEPARTMENT OF TRANSPORTATION (UDOT) LOCAL GOVERNMENT CONTRACT WITH JUB ENGINEERS FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE JORDAN RIVER/MURDOCK CONNECTOR TRAIL - LEHI PROJECT; PIN NO. 8567, UDOT PROJECT NO. F-LC49(125)**
13. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE SERVICE OF PROCESS AGREEMENT WITH RICHARDS, KIMBLE AND WINN**
14. **ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO INTERLOCAL COOPERATION AGREEMENT NO. 2012-31 WITH SARATOGA SPRINGS REGARDING THE COMMUNITIES THAT CARE PROGRAM**
15. **ADOPT A RESOLUTION OF REAPPOINTMENT OF DONALD B. OLSEN AS AN ALTERNATE MEMBER TO THE UTAH COUNTY BOARD OF ADJUSTMENT**

**ACTIONS TAKEN**

**Consent Agenda Item No. 1** was **tabled** for further discussion; Nos. **2 and 9** were **ratified**; Nos. **3 and 5** were **approved**; No. **4** was **abated**; No. **6** was **approved and authorized**; No. **7** was **adopted**; and No. **8** was **continued** to the April 8, 2014 meeting of the Board. **Regular Agenda Item Nos. 3 and 4** were **approved**; Nos. **9, 12, and 13** were **approved and authorized**; No. **10** was **stricken** from the agenda; and Nos. **14 and 15** were **adopted**.

**AGREEMENT NOS.:** 2014-206, 2014-207, 2014-208, 2014-209, 2014-211, 2014-212, 2014-213 and 2014-214

**RESOLUTION NOS.:** 2014-40, 2014-41 and 2014-42

**REGULAR AGENDA**

**(PULLED FROM CONSENT)**

1. **TAKE ACTION TO REFER TO THE UTAH COUNTY PLANNING COMMISSION AND THE UTAH COUNTY AGRICULTURAL ADVISORY BOARD THE SOUTH SHORE FARMS, LC AGRICULTURE PROTECTION APPLICATION SUBMITTED BY ROBERT W. MCMULLIN FOR A TOTAL OF 878.713 ACRES LOCATED IN SECTIONS 9, 10, 15, 16 & 17, TOWNSHIP 8 SOUTH, RANGE 1 EAST, SLB&M, NORTH WEST SIDE OF WEST MOUNTAIN AREA, UTAH COUNTY**

UTAH COUNTY BOARD OF COMMISSIONERS  
MINUTES - April 1, 2014  
Page 4

Peggy Kelsey of the Utah County Community Development Office clarified for the record that there are no concerns in moving forward with the application.

**Commissioner Ellertson made the motion to refer to the Utah County Planning Commission and the Utah County Agricultural Advisory Board the South Shore Farms, LC Agriculture Protection Application submitted by Robert W. MucMullin as outlined in Consent Agenda Item No. 1. The motion was seconded by Commissioner Witney and carried with the following vote:**

**AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney  
NAY: None**

AGREEMENT NO. 2014-215

**REGULAR AGENDA**

- 1. ADOPT A RESOLUTION DECLARING UTAH COUNTY PERSONAL PROPERTY AS SURPLUS AND AWARDING SURPLUS UTAH COUNTY PERSONAL PROPERTY AS A GIFT TO DEPUTY TIMOTHY ANDERSON AS A GIFT IN RECOGNITION OF MERITORIOUS SERVICE TO UTAH COUNTY** *(Continued from the March 25, 2014 Commission meeting)*

Timothy Anderson has applied for a federal position after 17 years with the Utah County Sheriff's Office. The Board recognized him, and Chief Deputy Darin Durfey presented Deputy Anderson with an engraved wooden box containing his service weapon as a gift.

**Commissioner Witney made the motion to adopt the resolution declaring Utah County Personal Property as surplus and awarding said property to Deputy Timothy Anderson as specified in Regular Agenda Item No. 1. The motion was seconded by Commissioner Ellertson and carried with the following vote:**

**AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney  
NAY: None**

RESOLUTION NO. 2014-43

AGREEMENT NO. 2014-216

- 2. RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR APRIL 2014**

Deputy Kevin Watson of the Utah County Sheriff's Office was recognized as the Utah County Employee of the Month for April 2014.

- 5. ADD ONE FULL-TIME CAREER SERVICE CLINICAL ASSISTANT II POSITION TO THE STAFFING PLAN OF THE FAMILY AND PERSONAL HEALTH SERVICES DIVISION OF THE HEALTH DEPARTMENT (ACCOUNT NUMBER 230-43120, CLASS CODE 6604)**

Utah County Personnel Director Lana Jensen explained the clerical duties of the Clinical Assistant II position within the Epidemiology Clinic of the Utah County Health Department. The responsibilities have been fulfilled by temporary and time-limited 1,000-hour employees with the assistance of nurses, but the workload has increased enough to justify a full-time position. Commissioner Ellertson asked about funding, and Utah County Health Department Executive Director Dr. Joseph K. Miner explained that it is partly offset by the temporary employee monies. Additional costs are usually supplemented by fees, but Epidemiology cannot charge in this area despite the exponential growth.

UTAH COUNTY BOARD OF COMMISSIONERS  
MINUTES - April 1, 2014  
Page 5

Commissioner Anderson summarized that the position is needed to meet demands of the population, and Dr. Miner confirmed, noting the improved efficiency that would be a result. Dr. Miner indicated that the funds are available through other revenues, and Utah County Clerk/Auditor Bryan E. Thompson mentioned that half of the cost would need to be identified. Commissioner Ellertson suggested the departments work together to determine those budget sources.

**Commissioner Ellertson made the motion to approve the addition of the Clinical Assistant II position to the Staffing Plan of the Family and Personal Health Services Division of the Utah County Health Department as discussed in Regular Agenda Item No. 5, with the understanding that the Health Department would collaborate with the Clerk/Auditor's Office to identify funding. The motion was seconded by Commissioner Witney and carried with the following vote:**

**AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney  
NAY: None**

APPROVED WITH NOTES

Utah County Health Department Director Dr. Joseph K. Miner noted the increase and investigations of communicable diseases in the county, specifically gonorrhea, chlamydia, and whooping cough. Commissioner Anderson asked about immunizations, and Dr. Miner estimated that five percent of parents choose not to inoculate their school-aged students by signing an exemption waiver. This costs money because nurses must track those children to remove them from school in the event of an outbreak.

**6. DELETE ONE THREE-QUARTER TIME CAREER SERVICE FIRE INSPECTOR POSITION FROM THE STAFFING PLAN OF THE COMMUNITY DEVELOPMENT DIVISION OF THE PUBLIC WORKS DEPARTMENT, AND ADD ONE FULL-TIME CAREER SERVICE FIRE INSPECTOR POSITION IN ITS PLACE (CLASS CODE 4201, ACCOUNT NUMBER 242-49211)**

Utah County Personnel Director Lana Jensen clarified that the request is for an upgrade from three-quarter time to full-time Fire Inspector, hopefully leading to a better pool of applicants for the job. The work load has also increased. When Commissioner Witney commented on the annual increase of \$19,000 for the change, Bryce Armstrong of the Community Development Office pointed out that benefits also need to be calculated as the former incumbent had waived health coverage. Mr. Armstrong mentioned that \$10,000 could be drawn from the time-limited 1,000-hour employee funds to help cover costs, and Utah County Clerk/Auditor Bryan E. Thompson noted the differences in budget if hiring is delayed past Pay Period 9.

**Commissioner Ellertson made the motion to approve the changes for the Fire Inspector position in the Staffing Plan of the Community Development Division of the Utah County Public Works Department as discussed in Regular Agenda Item No. 6. The motion was seconded by Commissioner Witney and carried with the following vote:**

**AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney  
NAY: None**

APPROVED

**7. ADOPT (OR DENY) AN ORDINANCE TO AMENDING SECTIONS 3-25-F, 3-25-G, AND 6-1-E-9 OF THE UTAH COUNTY LAND USE ORDINANCE: NOTIFICATION REQUIREMENTS AND LARGE SCALE DEVELOPMENT GENERAL PROVISIONS**

# UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - April 1, 2014

Page 6

Bryce Armstrong of the Community Development Office spoke about the differences between official Public Hearings and Public Meetings. Commissioner Anderson expressed concerns that the general public may be eliminated from the process, and Mr. Armstrong corrected that Utah County actually goes above and beyond requirements in notices. Calling the sessions Public Meetings actually will allow more flexibility than Public Hearings. Public comment is always allowed; this action is related to the legal posting of notices.

**Commissioner Witney made the motion to adopt the ordinance amending the Utah County Land Use Ordinance sections on Notification Requirements and Large Scale Development General Provisions as defined in Regular Agenda Item No. 7. The motion was seconded by Commissioner Ellertson and carried with the following vote:**

**AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney  
NAY: None**

ORDINANCE NO. 2014-3

## **8. DENY (OR ADOPT) AN ORDINANCE TO AMEND THE UTAH COUNTY LAND USE ORDINANCE, SUBSECTION 6-3-C-7-E, RELATED TO WATER QUALITY REQUIREMENTS FOR WELLS IN SUBDIVISIONS**

Brandon Larsen of the Community Development Office explained that this ordinance is related to planned subdivisions. Water sources are usually wells, and the current requirements include the water source needing to meet quality standards before treatment. An applicant has suggested that an allowance be made so that the quality can be determined after filtration. The Utah County Planning Commission has recommended denial, but is interested in further discussion.

Commissioner Witney pointed out concerns from the Utah County Planning Commission related to continued treatment of the water; it could be tested for quality standards immediately after filtration, but what about moving forward? Brandon Larsen reviewed staff expectations and the potential for monitoring issues in the future, including sale of property to new owners or system failures where the owner is not aware of the problems. Commissioner Witney asked whether there is a system in place for continued monitoring, and Mr. Larsen clarified that the testing generally occurs only before filtration. Bryce Armstrong of the Community Development Office reiterated water quality concerns.

Utah County Health Department - Environmental Health Bureau Director Steve Alder added comments in support of the recommendation from the Utah County Planning Commission to deny the application. Mr. Alder repeated that Health concerns are similar: there are no requirements after the fact to monitor contaminants. While individual homes may have systems placed in the kitchen sink, there may be unfiltered water in the bathroom where people brush their teeth, or in the backyard where children play. Mr. Alder mentioned other counties that require water standards be met before treatment, and further explained the singular tap system.

Applicant and Provo resident Melvin Luthy approached the bench. He noted a portion of his proposal in relation to a document from Utah State University regarding public water standards since the year 2006. Mr. Luthy stated he had been perplexed by the quick recommendation for denial by the Utah County Planning Commission; he is concerned they were reacting to preconceived notions. He gave examples of arsenic contained in everyday household products such as cosmetics and breakfast cereal, noting that the high fructose corn syrup found in most foods is more hazardous to public health than trace amounts of arsenic in water. Mr. Luthy commented on a piece from the March 27, 2014 issue of the Deseret News, speaking on the over-aggressive practices of the United States Environmental Protection Agency (EPA).

Commissioner Witney noted that the concerns are not specifically over arsenic because there may be other bacteria and contaminants. Melvin Luthy explained that he is currently drilling the well in question and will lose all of the invested money if the arsenic levels are even one part-per-billion over the requirements. It is costing Mr. Luthy \$65/foot to drill.

# UTAH COUNTY BOARD OF COMMISSIONERS

## MINUTES - April 1, 2014

### Page 7

Commissioner Ellertson asked for further clarification about county standards for drinking water, and Bryce Armstrong explained that the subdivision ordinance requires the primary water test to meet drinking qualifications. Mr. Armstrong concurred with Commissioner Witney that arsenic is not the only problem in this matter. Mr. Luthy is only making plans for one residential home and expects to filter inside the house for culinary use; the test covers up to 160 acres.

Commissioner Anderson commented on the recommendation from the Utah County Planning Commission to deny the application, noting his relationship with the person who made the motion and calling it uncharacteristic. Melvin Luthy agreed, pointing out that the individual has their own unfiltered well. Bryce Armstrong added that the individual's concern was with the overall water quality testing. Commissioners Witney and Anderson questioned the options and discussed stated and federal regulations, relating water quality to air quality issues that have recently become more strict. Utah County Deputy Attorney David Shawcroft clarified that the county decides which standards to adopt.

When Commissioner Witney asked about the requirements for subdivisions compared to single residences, Utah County Deputy Attorney David Shawcroft confirmed that this application is for a subdivision. Melvin Luthy stated he acquired a five-acre piece. Steve Alder of the Health Department commented that contaminants cannot be accurately determined until after the well has been drilled. Mr. Shawcroft and Mr. Luthy debated whether the proposal is specific to arsenic. Mr. Luthy summarized that the two main reasons for denial - transparency and future filtration - could easily be addressed in one action: annotate the warranty deed and water rights to specify concerns for any potential investors. There are also several options for in-home filtration.

Commissioner Witney noted he does not object to the solutions presented by Melvin Luthy, but reminded Mr. Luthy that the matter in question is adopted across the entire county and not solely based on this circumstance. The commissioners continued to discuss community water systems, lot sizes, and personal history with Bryce Armstrong and Mr. Luthy.

When Mr. Luthy declared his intentions to begin drilling in the next couple of weeks, Commissioner Ellertson noted that it is time to re-address the ordinance because this is not the first time a situation such as this has occurred. Commissioner Witney suggested continuing discussion until a more detailed report could be presented by the Community Development Office on the matter. He mentioned his inclination to agree with Mr. Luthy, but continues to acknowledge public safety concerns. The goal of the report from Community Development and the Utah County Planning Commission would be to hypothesize solutions. The Community Development Office requested enough time for due diligence and meetings with the Planning Commission.

**Commissioner Ellertson made the motion to continue Regular Agenda Item No. 8 regarding an amendment to the Utah County Land Use Ordinance Subsection 6-3-C-7-E related to Water Quality Requirements to the June 3, 2014 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Witney and carried with the following vote:**

**AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney  
NAY: None**

CONTINUED TO JUNE 3, 2014

Melvin Luthy added one final comment: denying water rights in this situation would be the equivalent of refusing to sell someone a car because they might break the speed limit.

Provo resident Robert Stevens came forward and Commissioner Anderson mentioned that he is a 2014 candidate for Congress. Mr. Stevens explained that Dr. Melvin Luthy's shares will expire if the well is dug and he is denied use of the water. Someone else would regain ownership and require Dr. Luthy to destroy his well. Mr. Stevens reviewed statistics of arsenic contamination, calling much of it speculation without scientific proof. He submitted that Utah County residents live longer despite the lack of water quality testing in some areas.

# UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - April 1, 2014

Page 8

Robert Stevens expressed that water shares are property rights, and quoted Thomas Jefferson regarding unalienable rights including life, liberty, and the pursuit of happiness. He stated that those rights are given to the people by the Creator and cannot be taken away by government. Mr. Stevens mentioned Dr. Luthy's focus on arsenic levels because his own well is half of a mile away from the site in question and passed all tests except for arsenic. Mr. Stevens also mentioned that he sold the property to Dr. Luthy, and plans to sell more.

Commissioner Witney thanked them both for their comments, and reiterated that the application would be returned to the Planning Commission to get workable results and continue discussion in two months.

**11. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN CHANGE ORDER NO. 2 TO AGREEMENT NO. 2011-373 WITH CONDIE CONSTRUCTION FOR THE GENOLA STORM FLOW PROJECT IN THE AMOUNT OF \$6,021.40 TO HYDROSEED IN THE RIGHT-OF-WAY AS REQUIRED BY THE UTAH DEPARTMENT OF TRANSPORTATION (UDOT)**

Utah County Public Works Director Richard Nielson explained that the project is complete, but when the Utah Department of Transportation (UDOT) visited the site for a final inspection, they were told it needs to be receded. Commissioner Witney asked whether the county is required to use Condie Construction for the work. Mr. Nielson stated no; however, the permits and other related work have already been completed, so it makes sense to continue with them. Commissioner Witney asked whether any other bids were received or if it would be worth the effort to request more, and Mr. Nielson stated no - not for this amount.

**Commissioner Ellertson made the motion to approve Change Order No. 2 to Agreement No. 2011-373 with Condie Construction for the Genola Storm Flow Project in the amount of \$6,021.40 as outlined in Regular Agenda Item No. 11. The motion was seconded by Commissioner Witney and carried with the following vote:**

**AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney  
NAY: None**

AGREEMENT NO. 2014-217

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

**17. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION**

STRICKEN

**18. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY**

STRICKEN

**19. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY**

STRICKEN

**20. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED**

STRICKEN

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - April 1, 2014

Page 9

Commissioner Ellertson made the motion to strike Regular Agenda Item Nos. 17, 18, 19 and 20 to set dates, times and locations for closed meetings for a strategy session to discuss pending or reasonably imminent litigation; for a strategy session to discuss the purchase, exchange, or lease of real property; for a strategy session to discuss the sale of real property; and to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Witney and carried with the following vote:

AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney  
NAY: None

**16. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS**

Commissioner Ellertson made the motion to set a date, time and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals to immediately follow the public comment portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Witney and carried with the following vote:

AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney  
NAY: None

SET

**WORK SESSION**

NO WORK SESSION ITEMS WERE SUBMITTED

**PUBLIC COMMENTS**

There were no public comments and the meeting recessed at 10:10 A.M. to go into closed meetings. The public meeting reconvened at 10:22 A.M.

Commissioner Witney made the motion to adjourn the April 1, 2014 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney  
NAY: None

There being no further business nor public comment, the meeting adjourned at 10:22 A.M. The minutes of the April 1, 2014 Commission Meeting were approved as transcribed on April 8, 2014.

UTAH COUNTY BOARD OF COMMISSIONERS  
MINUTES - April 1, 2014  
Page 10

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GARY J. ANDERSON, Commission Chair

ATTEST:

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BRYAN E. THOMPSON  
Utah County Clerk/Auditor